

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

PEGGY MALANOSKI,	)	
	)	
Plaintiff,	)	
	)	Case No. 1:22-cv-1840
v.	)	
	)	
WILLIAM F. BRAUN MILK	)	
HAULING, INC. and	)	
JOSEPH DAUGHERTY,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Defendants William F. Braun Milk Hauling, Inc. and Joseph Daugherty, by counsel, and pursuant to 28 U.S.C. §1332, file their Notice of Removal of the captioned matter to the United States District Court for the Southern District of Indiana, Indianapolis Division, from the Marion Superior Court, No. 5, Indianapolis, Indiana, and respectfully state as follows:

1. William F. Braun Milk Hauling, Inc. and Joseph Daugherty are defendants in a personal injury action now pending in the Marion County Superior Court, No. 5 under Cause No. 49D05-2109-CT-032343.

2. Plaintiff filed her Complaint in the Marion Superior Court, No. 5 on September 24, 2021.

3. Based upon information provided by the online docket for the Marion Superior Court, No. 5, William F. Braun Milk Hauling, Inc. was served with a copy of the Summons and Complaint on September 30, 2021.

4. Based upon information provided by the online docket for the Marion Superior Court, No. 5, Joseph Daugherty was served with a copy of the Summons and Complaint on September 29, 2021.

5. Plaintiff's Complaint is subject to removal on the grounds of diversity jurisdiction pursuant to 28 U.S.C. §1332.

6. Plaintiff, Peggy Malanoski, is a citizen of the State of Indiana residing at and domiciled at 2565 Harvest Moon Drive, Greenwood, Indiana 46143.

7. William F. Braun Milk Hauling, Inc. is a corporation organized under the laws of the State of Illinois with its principal place of business located at 220 N. 2<sup>nd</sup> Street, Hecker, IL 62248.

8. Joseph Daugherty is a citizen of the State of Illinois, residing and domiciled at 110 Kopp Road, Waterloo, IL 62298.

9. The controversy in this cause of action is entirely between citizens of different states.

10. While Plaintiff's Complaint seeks an unspecified amount of damages, Plaintiff refused to admit that her damages are less than \$75,000.00. (See, Exhibit A). Therefore, the amount in controversy exclusive of interest and costs is greater than \$75,000, the jurisdictional threshold required by 28 U.S.C. §1332(a).

11. Attached hereto as Exhibit B is a complete copy of the state court record, listed as follows: Appearance for Plaintiff, Complaint, Jury Trial Demand, Summons to William F. Braun Milk Hauling, Inc., Summons to Joseph Daugherty, Certificate of Issuance of Summons to William F. Braun Milk

Hauling, Inc., Certificate of Issuance of Summons to Joseph Daugherty, Return of Service on William F. Braun Milk Hauling, Inc., Return of Service on Joseph Daugherty, Appearance for Defendants, Motion for Enlargement of Time to Answer, Order Granting Motion for Enlargement of Time to Answer, Motion for Change of Judge, Order Granting Change of Judge, Special Judge Appointed, Motion to Dismiss, Motion to Set Hearing on Motion to Dismiss, Order Setting Deadlines and Scheduling Hearing, Motion to Allow Defendants to File Reply Brief, Plaintiff's Objection to Motion to Dismiss, Notice of Substitution and Appearance of Counsel, Defendants' Reply Brief, Defendants' Answer, Affirmative Defenses and Jury Demand, Notice of Change of Law Firm Name, Defendants' Motion to Certify Interlocutory Appeal, Brief in Support of Motion to Certify Interlocutory Appeal, Plaintiff's Notice to Court of No Objection to Certifying Interlocutory Appeal, Certification of Interlocutory Order, Order Received from Court of Appeals, Notice of Appeal Received, Notice of Transcript filed, Notice of Completion of Transcript, Notice of Completion of Clerk's Record and Appellate Court's Request for Transcript. These documents constitute all of the pleadings and process on file with the Marion County Superior Court, No. 5 as of the date of this filing of this Notice of Removal.

12. Attached hereto as Exhibit C is a separate copy of Plaintiff's Complaint filed on September 24, 2021.

13. Upon receiving a file-marked copy of this Notice of Removal, Defendants will serve the same upon Plaintiff and also file a copy with the Clerk of the Marion Superior Court, No. 5.

Respectfully submitted,

WHITTEN LAW OFFICE LLC

**s/Matthew K. Phillips**

Christopher R. Whitten/#20429-49

Matthew K. Phillips/#28724-49

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 19, 2022, a copy of the foregoing was filed electronically. Parties may access this filing through the Court's system.

Samantha C. Craig Stevens, Esq.

William J. Kelley, Esq.

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**s/Matthew K. Phillips**

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